

HAGENS BERMAN SOBOL SHAPIRO LLP  
Shana E. Scarlett (217895)  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
shanas@hbsslaw.com

*Attorneys for Plaintiff Theadora King*

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THEADORA KING, individually and on behalf )  
of all others similarly situated, )

Plaintiff, )

v. )

SAFEWAY, INC., )

Defendant. )

No. 08-cv-0999-MMC

DECLARATION OF DANIEL J.  
KUROWSKI IN SUPPORT OF  
ADMINISTRATIVE MOTION TO  
SHORTEN TIME

ACTION FILED: January 11, 2008

1 I, DANIEL J. KUROWSKI, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of  
3 Illinois. I am associated with the law firm of Hagens Berman Sobol Shapiro LLP, one of the  
4 counsel of record for Plaintiff in the above-entitled action. I have personal knowledge of the  
5 matters stated herein and, if called upon, I could and would competently testify thereto.

6 2. Attached are true and correct copies of the following exhibits:

7 Exhibit A: February 20, 2008 Transfer Order issued in MDL 1907, *In re Aurora Dairy*  
8 *Corporation Organic Milk Marketing and Sales Practices Litigation*;

9 Exhibit B: February 26, 2008 Conditional Transfer Order (CTO-1) issued by the  
10 Judicial Panel on Multidistrict Litigation in MDL 1907, *In re Aurora Dairy*  
*Corporation Organic Milk Marketing and Sales Practices Litigation*;

11 Exhibit C: February 26, 2008 letter from Mark Mester, attorney at Latham & Watkins  
12 LLP, to Jeffrey N. Lüthi, Clerk of the Panel on Multidistrict Litigation;

13 Exhibit D: March 12, 2008 Conditional Transfer Order (CTO-2) issued by the Judicial  
14 Panel on Multidistrict Litigation in MDL 1907, *In re Aurora Dairy*  
*Corporation Organic Milk Marketing and Sales Practices Litigation*; and

15 3. I originally spoke with attorney Kathleen P. Lally of Latham & Watkins LLP,  
16 counsel for Safeway, Inc., on March 5, 2008 to determine her client's willingness to enter into a  
17 shortened briefing schedule on Plaintiff's Motion to Remand. At that time, she indicated that her  
18 client would not agree to a shortened briefing schedule. Later that day, Plaintiff filed her Motion  
19 to Remand, noticing the matter before Magistrate Judge Laporte.

20 4. Thereafter, and once this case was reassigned to this Court from Magistrate Judge  
21 Laporte, on the afternoon of March 18, 2008, I again contacted Ms. Lally to determine her client's  
22 willingness to enter into a shortened briefing schedule on a Plaintiff's Motion to Remand re-  
23 noticed before this Court. The next morning, on March 19, 2008, Ms. Lally informed me that her  
24 client Safeway would continue to oppose advancing the briefing schedule on the Motion to  
25 Remand.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct. Executed this 19th day of March, 2008, at Oak Park, Illinois.  
3

4 /s/ Daniel J. Kurowski  
5 DANIEL J. KUROWSKI

6 I, Shana E. Scarlett, am the ECF User whose ID and password are being used to file this  
7 Declaration of Daniel J. Kurowski in Support of Administrative Motion to Shorten Time. In  
8 compliance with General Order 45, X.B., I hereby attest that Daniel J. Kurowski has concurred in  
9 this filing.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on March 19, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Shana E. Scarlett  
SHANA E. SCARLETT

## Mailing Information for a Case 3:08-cv-00999-MMC

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Steve W. Berman**  
steve@hbsslaw.com,robert@hbsslaw.com,heatherw@hbsslaw.com,bonneym@hbsslaw.com
- **Elizabeth Anne Fegan**  
beth@hbsslaw.com
- **Livia M. Kiser**  
livia.kiser@lw.com,che filing@lw.com
- **Mark S. Mester**  
mark.mester@lw.com,che filing@lw.com,barbara.butl@lw.com
- **Shana E. Scarlett**  
shanas@hbsslaw.com,nancyq@hbsslaw.com,sf\_filings@hbsslaw.com
- **Viviann C Stapp**  
viviann.stapp@lw.com,#sfdocket@lw.com

### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**Steve W. Berman**  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

# Exhibit A

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

Feb 20, 2008

FILED  
CLERK'S OFFICE

IN RE: AURORA DAIRY CORP. ORGANIC  
MILK MARKETING AND SALES  
PRACTICES LITIGATION

MDL No. 1907

TRANSFER ORDER

**Before the entire Panel<sup>\*</sup>:** Plaintiffs in the District of Colorado *Freyre* action have moved, pursuant to 28 U.S.C. § 1407, for centralization of this litigation in the District of Colorado. Defendant in all actions, Aurora Dairy Corp. (Aurora), opposes plaintiffs' motion but, alternatively, supports selection of the District of Colorado as the transferee forum. Plaintiffs in the District of Colorado *Still* action and two potential tag-along actions pending in the District of Colorado support centralization in the District of Colorado. Plaintiffs in the Eastern District of Missouri action support centralization in the Eastern District of Missouri.

This litigation currently consists of four actions listed on Schedule A and pending, respectively, in the following three districts: two actions in the District of Colorado, and an action each in the Southern District of Florida and the Eastern District of Missouri.<sup>1</sup>

On the basis of the papers filed and hearing session held, we find that these four actions involve common questions of fact, and that centralization under Section 1407 in the Eastern District of Missouri will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Plaintiffs in all four actions, which are brought on behalf of putative nationwide classes, contend that Aurora misled them into believing that the milk that they purchased was "organic" or "USDA organic" when in fact the milk failed to meet organic standards, including those established by the U.S. Department of Agriculture and the federal Organic Foods Production Act, 7 U.S.C. § 6501, *et seq.* As a result, plaintiffs bring a variety of state law claims, asserting that, *inter alia*, they have paid artificially high prices for Aurora's organic milk. Centralization under Section 1407 will eliminate duplicative discovery; prevent inconsistent pretrial rulings (particularly with respect to the issue of class certification); and conserve the resources of the parties, their counsel and the judiciary.

---

<sup>\*</sup> Judge Heyburn took no part in the disposition of this matter.

<sup>1</sup> In addition to the four actions now before the Panel, the parties have notified the Panel of eleven related actions pending, respectively, as follows: four actions in the District of Colorado, two actions in the Northern District of California, and an action each in the Eastern District of Arkansas, the District of Minnesota, the Eastern District of New York, the Southern District of New York, and the Western District of Washington. These actions and any other related actions will be treated as potential tag-along actions. *See* Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

- 2 -

Aurora opposes centralization, asserting that, *inter alia*, transfer of the actions under Section 1407 is unnecessary because voluntary alternatives to Section 1407 are superior. We respectfully disagree. Transfer under Section 1407 has the salutary effect of placing all actions in this docket before a single judge who can formulate a pretrial program that: (1) allows discovery with respect to any non-common issues to proceed concurrently with discovery on common issues, *In re Joseph F. Smith Patent Litigation*, 407 F.Supp. 1403, 1404 (J.P.M.L. 1976); and (2) ensures that pretrial proceedings will be conducted in a streamlined manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties and the judiciary.

We are persuaded that the Eastern District of Missouri, where the first-filed action is pending, is an appropriate transferee forum for this litigation. Given the geographic dispersal of the constituent actions and the potential tag-along actions, the Eastern District of Missouri offers a relatively convenient forum for this litigation.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Eastern District of Missouri are transferred to the Eastern District of Missouri and, with the consent of that court, assigned to the Honorable E. Richard Webber for coordinated or consolidated pretrial proceedings with the action listed on Schedule A and pending in that district.

PANEL ON MULTIDISTRICT LITIGATION



---

D. Lowell Jensen  
Acting Chairman

John G. Heyburn II, Chairman\*  
Robert L. Miller, Jr.  
David R. Hansen

J. Frederick Motz  
Kathryn H. Vratil  
Anthony J. Scirica



**IN RE: AURORA DAIRY CORP. ORGANIC  
MILK MARKETING AND SALES  
PRACTICES LITIGATION**

MDL No. 1907

**SCHEDULE A**

District of Colorado

Rebecca Freyre, et al. v. Aurora Dairy Corp., C.A. No. 1:07-2183  
Mona Still, et al. v. Aurora Dairy Corp., C.A. No. 1:07-2188

Southern District of Florida

Maya Fiallos v. Aurora Dairy Corp., C.A. No. 1:07-22748

Eastern District of Missouri

Kristine Mothershead, et al. v. Aurora Dairy Corp., C.A. No. 4:07-1701

# Exhibit B

MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888  
<http://www.jpml.uscourts.gov>

February 26, 2008

TO INVOLVED COUNSEL

Re: MDL No. 1907 -- IN RE: Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation

(See Attached CTO-1)

Dear Counsel:

Attached hereto is a copy of a conditional transfer order filed today by the Panel involving the above-captioned matter. This matter is transferred pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001). Copies of Rule 5.2, dealing with service, and Rules 7.4 and 7.5, regarding "tag-along" actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 7.4(b) to notify this office **BY FACSIMILE**, at (202) 502-2888, of any official changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc., as indicated by an order filed by the district court. Your cooperation would be appreciated.

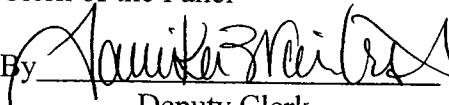
**NOTICE OF OPPOSITION DUE ON OR BEFORE: March 12, 2008 (4 p.m. EST)**  
(Facsimile transmission is suggested.)

If you are considering opposing this conditional transfer order, please review Rules 7.4 and 7.5 of the Panel Rules before filing your Notice of Opposition.

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By   
Deputy Clerk

Attachments

FEB 26 2008

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: AURORA DAIRY CORP. ORGANIC  
MILK MARKETING AND SALES  
PRACTICES LITIGATION

MDL No. 1907

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

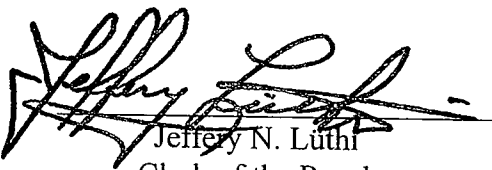
On February 20, 2008, the Panel transferred three civil actions to the United States District Court for the Eastern District of Missouri for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* \_\_\_F.Supp.2d\_\_\_ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable E. Richard Webber.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Missouri and assigned to Judge Webber.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Missouri for the reasons stated in the order of February 20, 2008, and, with the consent of that court, assigned to the Honorable E. Richard Webber.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Missouri. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
Jeffrey N. Luthi  
Clerk of the Panel

**IN RE: AURORA DAIRY CORP. ORGANIC  
MILK MARKETING AND SALES  
PRACTICES LITIGATION**

MDL No. 1907

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

**DIST. DIV. C.A. #**

**CASE CAPTION**

**ARKANSAS EASTERN**

ARE 4 08-10

Paul Bowen v. Wal-Mart Stores, Inc.

**CALIFORNIA NORTHERN**

CAN 3 07-5331

Brenda Gallardo v. Aurora Dairy Corp.

CAN 3 07-6174

Shawn Riley v. Safeway, Inc.

**COLORADO**

CO 1 07-2285

Elizabeth Cockrell v. Aurora Dairy Corp.

CO 1 07-2449

Jim Snell, et al. v. Aurora Dairy Corp., et al.

CO 1 07-2622

Vicki M. Tysseling-Mattiace v. Wild Oats Markets, Inc.

CO 1 07-2625

Margot West, et al. v. Aurora Dairy Corp.

**MINNESOTA**

MN 0 07-4755

Patrick Hudspeth, et al. v. Target Corp.

**NEW YORK EASTERN**

NYE 2 07-4425

Ilsa Lee Kaye v. Aurora Dairy Corp.

**NEW YORK SOUTHERN**

NYS 1 07-9418

Hillary White, et al. v. Aurora Dairy Corp.

**WASHINGTON WESTERN**

WAW 2 07-1975

Channing Hesse v. Costco Wholesale Corp.

# Exhibit C

Mark S. Mester  
Direct Dial: +312.876.7623  
Mark.Mester@lw.com

Sears Tower, Suite 5800  
233 S. Wacker Dr.  
Chicago, Illinois 60606  
Tel: +1.312.876.7700 Fax: +1.312.993.9767  
www.lw.com

## LATHAM & WATKINS LLP

February 26, 2008

### BY FEDERAL EXPRESS

Jeffery N. Lüthi  
Clerk of the Panel  
Judicial Panel on Multidistrict Litigation  
Thurgood Marshall Federal Judiciary Building  
One Columbus Circle, N.E.  
Room G-255, North Lobby  
Washington, D.C. 20002-8004

Re: MDL No. 1907: In re Aurora Dairy Corporation  
Organic Milk Marketing and Sales Practice Litigation

Dear Mr. Lüthi:

We received the Transfer Order entered February 20, 2008 by the Judicial Panel on Multidistrict Litigation ("Panel") transferring and consolidating the four actions listed on the attached Schedule. See Feb. 20, 2008 Transfer Order, attached hereto. We further note that the Panel identified an additional eleven related actions for which we understand the Clerk of the Panel will be issuing conditional transfer orders in the near term. See id. at 1 n.1.

Pursuant to Rule 7.5 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425 (2001), we have identified an additional three actions for which conditional transfer orders should issue. These actions were initially filed in state court but have since been removed to federal court. The complaints (for which the notices of removal, without exhibits, are also provided) are attached, without exhibits. The actions themselves are as follows:

- DiSimone v. Aurora Dairy Corp. et al., Case No. CV-08-0746-DSF (C.D. Cal. Feb. 4, 2008);
- Cowan v. Aurora Dairy Corp. et al., Case No. 1:08-CV-0157-RLY-WTL (S.D. Ind. Feb. 6, 2008); and
- King v. Safeway, Case No. CV-08-999 (N.D. Cal. Feb. 19, 2008).

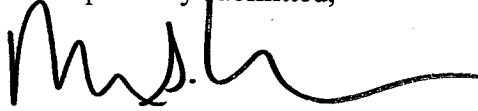
#### FIRM / AFFILIATE OFFICES

|             |                   |
|-------------|-------------------|
| Barcelona   | New Jersey        |
| Brussels    | New York          |
| Chicago     | Northern Virginia |
| Frankfurt   | Orange County     |
| Hamburg     | Paris             |
| Hong Kong   | San Diego         |
| London      | San Francisco     |
| Los Angeles | Shanghai          |
| Madrid      | Silicon Valley    |
| Milan       | Singapore         |
| Moscow      | Tokyo             |
| Munich      | Washington, D.C.  |

LATHAM & WATKINS LLP

Please feel free to contact me at (312) 876-7623 if you have any questions or should you require any further information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M.S. Mester', with a long horizontal flourish extending to the right.

Mark S. Mester  
of LATHAM & WATKINS LLP

Enclosures

cc: Counsel on attached Service List (w/Enclosures)



# Exhibit D

MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888  
<http://www.jpml.uscourts.gov>

March 12, 2008

TO INVOLVED COUNSEL

Re: MDL No. 1907 -- IN RE: Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation

(See Attached CTO-2)

Dear Counsel:

Attached hereto is a copy of a conditional transfer order filed today by the Panel involving the above-captioned matter. This matter is transferred pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001). Copies of Rule 5.2, dealing with service, and Rules 7.4 and 7.5, regarding "tag-along" actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 7.4(b) to notify this office **BY FACSIMILE**, at (202) 502-2888, of any official changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc., as indicated by an order filed by the district court. Your cooperation would be appreciated.

**NOTICE OF OPPOSITION DUE ON OR BEFORE: March 27, 2008 (4 p.m. EST)**  
(Facsimile transmission is suggested.)

If you are considering opposing this conditional transfer order, please review Rules 7.4 and 7.5 of the Panel Rules before filing your Notice of Opposition.

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By   
Deputy Clerk

Attachments

MAR 12 2008

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: AURORA DAIRY CORP. ORGANIC  
MILK MARKETING AND SALES  
PRACTICES LITIGATION

MDL No. 1907

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-2)

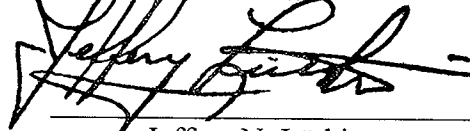
On February 20, 2008, the Panel transferred three civil actions to the United States District Court for the Eastern District of Missouri for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable E. Richard Webber.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Missouri and assigned to Judge Webber.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Missouri for the reasons stated in the order of February 20, 2008, and, with the consent of that court, assigned to the Honorable E. Richard Webber.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Missouri. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

**IN RE: AURORA DAIRY CORP. ORGANIC  
MILK MARKETING AND SALES  
PRACTICES LITIGATION**

MDL No. 1907

**SCHEDULE CTO-2 - TAG-ALONG ACTIONS**

**DIST. DIV. C.A. #**

**CASE CAPTION**

CALIFORNIA CENTRAL

CAC 2 08-746

Nicolle DiSimone v. Aurora Dairy Corp., et al.

CALIFORNIA NORTHERN

CAN 3 08-999

Theadora King v. Safeway, Inc.

INDIANA SOUTHERN

INS 1 08-157

Fayette Cowan v. Aurora Dairy Corp., et al.

**RULE 5.2: SERVICE OF PAPERS FILED**

(a) All papers filed with the Clerk of the Panel shall be accompanied by proof of previous or simultaneous service on all other parties in all actions involved in the litigation. Service and proof of service shall be made as provided in Rules 5 and 6 of the Federal Rules of Civil Procedure. The proof of service shall indicate the name and complete address of each person served and shall indicate the party represented by each. If a party is not represented by counsel, the proof of service shall indicate the name of the party and the party's last known address. The proof of service shall indicate why any person named as a party in a constituent complaint was not served with the Section 1407 pleading. The original proof of service shall be filed with the Clerk of the Panel and copies thereof shall be sent to each person included within the proof of service. After the "Panel Service List" described in subsection (d) of this Rule has been received from the Clerk of the Panel, the "Panel Service List" shall be utilized for service of responses to motions and all other filings. In such instances, the "Panel Service List" shall be attached to the proof of service and shall be supplemented in the proof of service in the event of the presence of additional parties or subsequent corrections relating to any party, counsel or address already on the "Panel Service List."

(b) The proof of service pertaining to motions for transfer of actions pursuant to 28 U.S.C. §1407 shall certify that copies of the motions have been mailed or otherwise delivered for filing to the clerk of each district court in which an action is pending that will be affected by the motion. The proof of service pertaining to a motion for remand pursuant to 28 U.S.C. §1407 shall certify that a copy of the motion has been mailed or otherwise delivered for filing to the clerk of the Section 1407 transferee district court in which any action affected by the motion is pending.

(c) Within eleven days of filing of a motion to transfer, an order to show cause or a conditional transfer order, each party or designated attorney shall notify the Clerk of the Panel, in writing, of the name and address of the attorney designated to receive service of all pleadings, notices, orders and other papers relating to practice before the Judicial Panel on Multidistrict Litigation. Only one attorney shall be designated for each party. Any party not represented by counsel shall be served by mailing such pleadings to the party's last known address. Requests for an extension of time to file the designation of attorney shall not be granted except in extraordinary circumstances.

(d) In order to facilitate compliance with subsection (a) of this Rule, the Clerk of the Panel shall prepare and serve on all counsel and parties not represented by counsel, a "Panel Service List" containing the names and addresses of the designated attorneys and the party or parties they represent in the actions under consideration by the Panel and the names and addresses of the parties not represented by counsel in the actions under consideration by the Panel. After the "Panel Service List" has been received from the Clerk of the Panel, notice of subsequent corrections relating to any party, counsel or address on the "Panel Service List" shall be served on all other parties in all actions involved in the litigation.

(e) If following transfer of any group of multidistrict litigation, the transferee district court appoints liaison counsel, this Rule shall be satisfied by serving each party in each affected action and all liaison counsel. Liaison counsel designated by the transferee district court shall receive copies of all Panel orders concerning their particular litigation and shall be responsible for distribution to the parties for whom he or she serves as liaison counsel.

**INVOLVED COUNSEL LIST (CTO-2)**

Arend J. Abel  
COHEN & MALAD LLP  
One Indiana Square  
Suite 1400  
Indianapolis, IN 46204

Gregory Nysten  
GREENBERG TRAURIG LLP  
2450 Colorado Avenue  
Suite 400 East  
Santa Monica, CA 90404

Steve W. Berman  
HAGENS BERMAN SOBOL SHAPIRO  
LLP  
1305 Fifth Avenue  
Suite 2900  
Seattle, WA 98101

Christopher P. Ridout  
RIDOUT & LYON  
100 Oceangate  
14th Floor  
Long Beach, CA 90802

Alexis Beth Djivre  
ROSE KLEIN & MARIAS  
801 South Grand Avenue  
18th Floor  
Los Angeles, CA 90017-4645

Shana E. Scarlett  
HAGENS BERMAN SOBOL SHAPIRO  
LLP  
715 Hearst Avenue  
Suite 202  
Berkeley, CA 94710

Elizabeth A. Fegan  
HAGENS BERMAN SOBOL SHAPIRO  
LLP  
820 North Boulevard  
Suite B  
Oak Park, IL 60301

Daniel R. Seltzer  
LATHAM & WATKINS LLP  
633 West Fifth Street  
Suite 4000  
Los Angeles, CA 90071-2007

Joel A. Goldman  
LEWIS BRISBOIS BISGAARD & SMITH  
LLP  
221 North Figueroa Street  
Suite 1200  
Los Angeles, CA 90012-2601

Greg A. Small  
KRIEG DEVAULT LLP  
One Indiana Square  
Suite 2800  
Indianapolis, IN 46204-2079

Gideon Kracov  
LAW OFFICES OF GIDEON KRACOV  
801 South Grand Avenue  
11th Floor  
Los Angeles, CA 90017-4645

Viviann C. Stapp  
LATHAM & WATKINS LLP  
505 Montgomery Street  
Suite 2000  
San Francisco, CA 94111-2562

David McKay  
HERMAN MATHIS CASEY KITCHENS  
& GEREL  
230 Peachtree Street N.W., Suite 2260  
Atlanta, GA 30303